

Volume I
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

No. 1:17-cv-10107-WGY

DAVID SETH WORMAN, et al.,
Plaintiffs,
vs.
CHARLES D. BAKER, et al.,
Defendants.

DEPOSITION OF ALAN ZANI
Friday, September 15, 2017 at 12:10 p.m.
Campbell, Campbell, Edwards & Conroy
One Constitution Center
Boston, Massachusetts 02129

-----Jennifer A. Doherty, CSR-----
Certified Shorthand Reporter

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1 A. Again, I would have questions about the
2 dates, and I'm not positive on the dates, so it may
3 or may not have been before July of 2016. They
4 would be individualized, yes.

5 Q. Were you ever asked to do a comprehensive
6 review of all firearms transfers?

7 A. No.

8 Q. To your knowledge was anyone?

9 A. Not to my knowledge.

10 Q. Have you ever heard the term
11 "Massachusetts-compliant firearm" before?

12 A. Yes.

13 Q. What is your understanding of what that
14 means?

15 MR. PORTER: Objection to the form.

16 A. It was a fireman that was compliant to the
17 Massachusetts General Laws prior to July 20, 2016.

18 Q. In your reviews did you come across any
19 transfers of those firearms?

20 MR. PORTER: Objection.

21 A. You're talking about prior to July 20,
22 2016, if they were compliant I may have seen them or
23 I may not have. They would have been compliant at
24 the time.

1 Q. So they were lawful transfers that
2 wouldn't have triggered any action by you?

3 MR. PORTER: Objection to the form.

4 A. They were considered lawful.

5 Q. I want to make sure I have a good
6 understanding of what records you reviewed. You
7 said they came from Ms. Dunne's office. Would those
8 be the firearms records that are retained by the
9 Firearms Record Bureau, I believe it's called?

10 A. Correct.

11 Q. And when you were looking at them, what
12 exactly were you looking for?

13 A. For firearms that were not on the approved
14 firearms roster approved by the Executive Office of
15 Public Safety and Security.

16 Q. Specifically for whether or not they were
17 on or not on the approved roster itself?

18 A. Yes, that and/or glocks -- or new glocks,
19 actually.

20 Q. When you say "new glocks," what do you
21 mean?

22 A. Produced prior to 1998.

23 Q. Am I correct that those are not able to be
24 sold because of the consumer protection issues

1 around them?

2 A. You're correct.

3 Q. When you found a violation, what steps did
4 you take from the point that you found the
5 violation?

6 A. I advised the Attorney General's office.

7 Q. Were any of these cases referred to local
8 prosecutors?

9 A. They were not.

10 Q. Have you ever conducted a review of a
11 transaction that did result in a -- sending it to a
12 prosecutor for action?

13 A. Define "prosecutor."

14 Q. A local district attorney or a member of
15 the Attorney General's office that prosecutes
16 crimes.

17 A. I have referred cases to the Attorney
18 General's office.

19 Q. In the 2015 to 2016 investigation that you
20 were doing that we were speaking of earlier, do you
21 know if any of the transactions that you forwarded
22 resulted in prosecutions?

23 A. I do not.

24 Q. Were you ever called to testify in any

1 cases that arose out of the review that you did?

2 A. I did not.

3 Q. Have you ever been called to testify in a
4 case involving the transfer of a banned firearm or
5 magazine?

6 A. I have not.

7 Q. Did anyone assist you in the investigation
8 that you conducted from late 2015 through July
9 2016?

10 A. I'm sorry, are you referring to the
11 investigation or --

12 MR. PORTER: Objection to the form.

13 Q. What we had referred to as the review
14 earlier.

15 A. I would communicate with Ms. Michaela
16 Dunne as to -- the substance would generally be --

17 MR. PORTER: Objection -- okay.

18 A. -- to produce the firearms that were
19 sold.

20 Q. Were any other officers in the
21 Massachusetts State Police involved?

22 A. Not that I believe.

23 (Exhibit No. 2 marked for
24 identification.)

1 Q. So for a zero means either there were none
2 or they did not produce data?

3 A. Correct.

4 Q. Is this the -- well, let me back up. This
5 report is generated every year now; is that
6 correct?

7 A. It has been produced for 2015 and 2016.
8 It's a mandated annual report.

9 Q. And going forward it will be done every
10 year still?

11 A. Unless things change.

12 Q. Are there any other reports like this that
13 are generated by the Massachusetts State Police that
14 aggregate firearms crimes data?

15 A. Not that I'm aware of. There is a 2015
16 report.

17 Q. And if I could direct your attention to
18 Page 5 of that document, which is marked AG0015307.
19 If you could look at the third paragraph there?

20 A. Okay.

21 Q. It states in the third sentence: "In 2016
22 shotguns and rifles accounted for 13 percent, 178
23 guns, and assault rifles comprised 1.5 percent, 22
24 guns of the total crime guns seized."

1 When it says "total crime guns," what
2 does that mean?

3 A. A crime gun per definition is a gun that
4 was involved in a crime in that there was a crime
5 that was charged that correlates to that firearm
6 that was seized. Suicide guns are not involved.
7 Guns taken on restraining orders where there is no
8 violation of the law are not included. So there
9 would be -- the way I would read that would be that
10 there was -- there were 22 assault rifles that were
11 seized and there was a crime attached to that
12 seizure.

13 Q. You say a crime attached to the seizure.
14 Could that crime be illegal possession or does it
15 refer to the actual use of those guns in a violent
16 crime?

17 A. It could mean either of your questions.

18 Q. And as you said, it says 22 assault
19 rifles. Who makes the determination that the gun
20 seized was an assault rifle?

21 A. That would be by the department entering
22 the data.

23 Q. So the data is entered --

24 A. I believe -- and I'm going to leave that